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NEW MEXICO ENVIRONMENT DEPARTMENT

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

Certified Mail - Return Receipt Requested

September 4, 2019

Mrs. Dorothy Knezevich, Owner
Howard's Sand & Gravel
P.O. Box 1456
Las Vegas, New Mexico 87701

RE: Howard's Sand & Gravel; Minor; Individual Permit; SIC 1442; NPDES Compliance Evaluation Inspection; NPDES # NMU001191; August 7, 2019

Dear Mrs. Knezewich:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the Federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

David Long
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Howard's Sand & Gravel
September 4, 2019

If you have any questions about this inspection report, please contact Daniel Valenta at (505) 827- 2575 or at Daniel.Valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc. Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Robert Italiano, NMED District II by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 1 9 1 11 12 1 9 0 8 0 7 17 18 C 19 S 20 2					
Remarks					
S A N D & G R A V E L F A C I L I T Y					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Howard's Sand & Gravel	Entry Time /Date 1108/August 7, 2019	Permit Effective Date No Permit
From Las Vegas, NM, travel south on I -25 approximately 8 miles. Exit County Road B47 Sand & Gravel operation on south side of I-25. San Miguel County	Exit Time/Date 1224/August 7, 2019	Permit Expiration Date No Permit
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Jacob Knezevich/ Site Foreman	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Mrs. Dorothy Knezevich, South Grand Avenue, P.O. Box 1456, Las Vegas, New Mexico/Owner/505-425-8818 fax 505-426-8706	LAT 35° 27' 26.34" N LONG 105° 16' 30.54" W SIC 1442	
Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	N	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. Facility does not have permit coverage for discharges to Tecolote Creek.
2. See Further Explanations.

Name(s) and Signature(s) of Inspector(s) DANIEL VALENTA /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575	Date 9/4/2019
Signature of Management QA Reviewer JENNIFER FOOTE /s/Jennifer Foote	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-0596	Date 9/4/2019

**Compliance Evaluation Inspection
Howard's Sand & Gravel Facility
NPDES Permit No. NMU001191
August 7, 2019**

Introduction

On August 7, 2019 a Compliance Evaluation Inspection was conducted at the Howard Sand & Gravel Facility (Standard Industrial Classification 1442) located at Tecolote, New Mexico by Daniel Valenta from the Surface Water Quality Bureau accompanied Amy Andrews of the U.S. Environmental Protection Agency. The purpose of this inspection was to document the facility's status regarding the process wastewater discharge into Tecolote Creek. Findings of the inspection are detailed on the attached EPA form 3560-3 and in the narrative Further Explanations section of the report.

At the Tecolote Creek site, approximately 9.6 acres, the facility processes and stores construction sand and gravel. The facility operates when needed washing/screening to process sand and gravel. The site is located next to Tecolote creek, a perennial stream. Water utilized in this process is drawn from the adjacent Tecolote Creek and then discharged into a sediment pond.

This report is based on on-site observation by NMED personnel and verbal information provided by the facility's representative Mr. Jacob Knezevich and Mrs. Dorothy Knezevich. Arriving at the site at approximately 1108. The inspector made introductions and discussed the purpose of the inspection. Working at the site was Mr. Jacob Knezevich, Site Foreman.

A brief exit interview to discuss the findings of this inspection was conducted at approximately 1224 hours with Mrs. Knezevich at her private residence. The facility's representative was briefly informed of the requirements under the NPDES program regarding permitting requirements and the need for an individual discharge permit to cover the process water being discharged from the separation/wash area of the facility.

Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

The Clean Water Act prohibits discharges of "pollutants" through a "point source" into a "water of the United States" unless it is in accordance with the National Pollutant Discharge Elimination System (NPDES) permit. The permit will contain discharge limits, monitoring and reporting requirements, and other provisions to ensure that the discharge protects human health and the environment. The permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each facility. It means any discernible, confined and discrete conveyance, such as a pipe, ditch, channel, tunnel, conduit, discrete fissure, or container.

**Compliance Evaluation Inspection
Howard's Sand & Gravel Facility
NPDES Permit No. NMU001191
August 7, 2019**

The term pollutant includes any type of industrial, municipal, and agricultural waste discharged into water. Some examples are dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, and industrial, municipal, and agricultural waste.

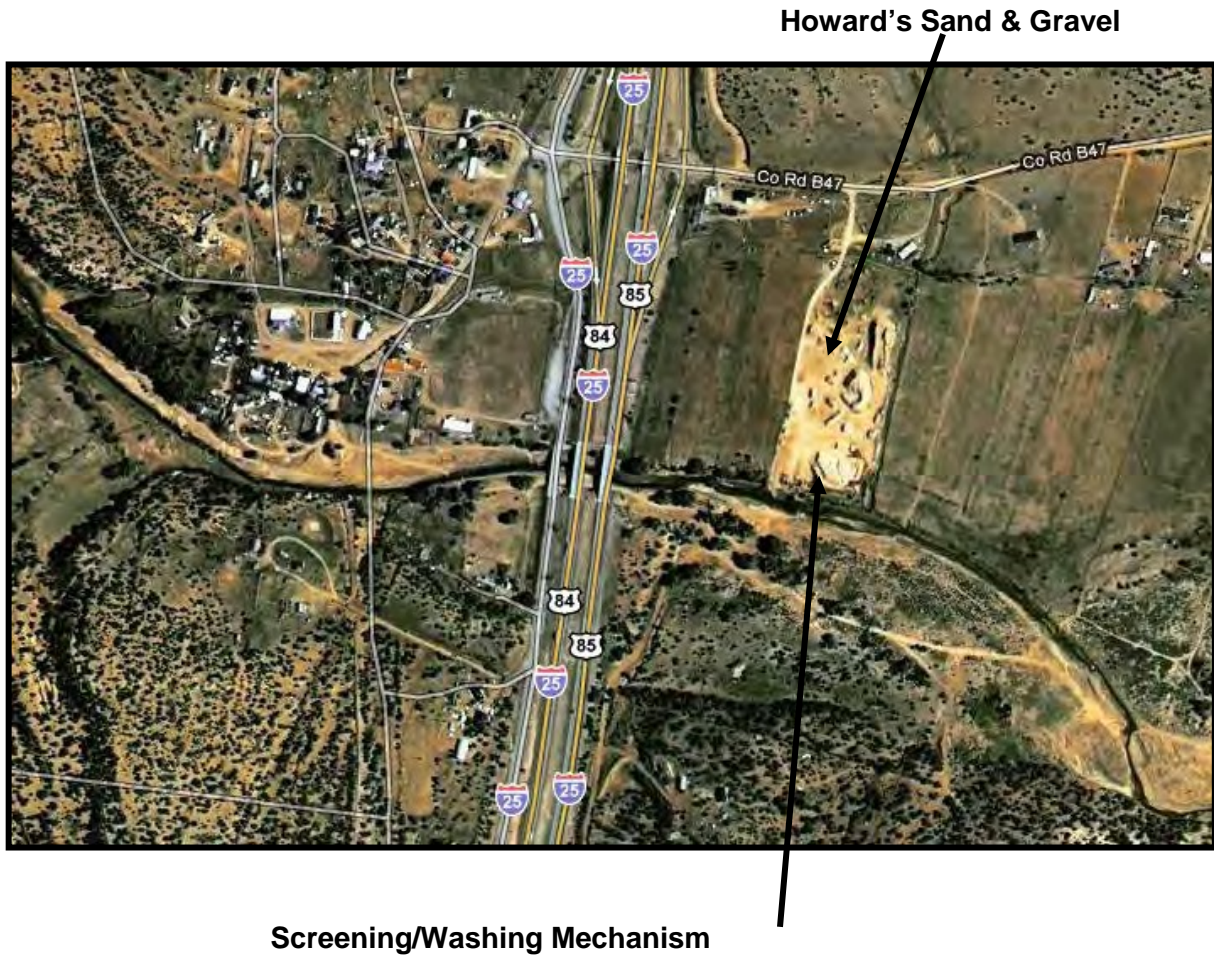
Findings

The facility does not have NPDES permit coverage for the discharge of process water from the screening and washing area. The containment pond was filled up and was overflowing bypassing the berm. The facility needs to clean and maintain the settling pond from discharging process water or apply for a NPDES discharge permit. More information and how to apply for a NPDES permit can be found at <https://www.epa.gov/npdes>.

NMED/SWQB

Site Overview

City/County: Tecolote, NM/San Miguel County	
Location: Howard's Sand & Gravel Operation, East of Tecolote, NM on the Tecolote Creek	
Subject: South side of facility borders Tecolote Creek where screening/washing mechanism operates.	



NMED/SWQB
Official Photograph Log

Photo # 1

Photographer: Daniel Valenta	Date: 8/7/2019	Time: 1110
City/County: East of Tecolote, NM, Tecolote Creek/San Miguel County		
Location: Facing north, Howard's Sand & Gravel Facility off County Road B47 near Tecolote, NM.		
Subject: Unpermitted discharge of process water from separation/washing equipment into Tecolote creek.		



NMED/SWQB
Official Photograph Log

Photo # 2

Photographer: Daniel Valenta	Date: 8/7/2019	Time: 1143
City/County: East of Tecolote, NM, Tecolote Creek/San Miguel County		
Location: Facing north, Howard's Sand & Gravel Facility off County Road B47 near Tecolote, NM.		
Subject: The sediment ponds are next to Tecolote Creek. The ponds have not been cleaned and are overflowing into Tecolote Creek.		



NMED/SWQB
Official Photograph Log

Photo # 3

Photographer: Daniel Valenta	Date: 8/7/2019	Time: 1143
City/County: East of Tecolote, NM, Tecolote Creek/San Miguel County		
Location: Facing north, Howard's Sand & Gravel Facility off County Road B47 near Tecolote, NM.		
Subject Sand/Gravel washing area. Water is pumped from Tecolote Creek to clean the gravel and should be retained from reentering the creek.		



Submitted Site Pictures

September 18, 2019

By Mr. Eric Knezevich





